

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of )  
 )  
Telecommunications Relay Services And Speech-to-Speech ) CC Docket  
 ) 98-67  
Services for Individuals with Hearing and Speech Disabilities )  
 )  
TRS Fund Size and Payment Formula )

To: Chief, Consumer and Governmental Affairs Bureau

***REPLY COMMENTS ON PROPOSED FUND SIZE AND TRS RATES***

Hands On Video Relay Services, Inc. (“Hands On”),<sup>1</sup> by its counsel, and pursuant to Public Notice, DA 05-1175 (April 28, 2005) submits its reply comments on the National Exchange Carrier Association’s (“NECA”) April 25, 2005, Payment Formula and Fund Size Estimate for 2005 through 2006 for the Interstate Telecommunications Relay Services Fund (“Fund Filing”).

In Hands On’s initial comments, it explained in detail why the Commission should follow NECA’s suggestion to employ an alternative rate setting methodology this year for Video Relay Service (“VRS”). In the interest of brevity, we will not repeat that discussion. Several parties echoed Hands On’s

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<sup>1</sup>Hands On is a VRS provider, through contract, to AT&T Corp. (“AT&T”). Hands On is also a certified provider of VRS for the State of Washington’s Telecommunications Relay Service (“TRS”) program. Hands On has been providing VRS since July of 2002, originally in a developmental mode, since November of 2002 under contract with AT&T, and later with the State of Washington.

view of the need to employ an alternative rate setting methodology to avoid industry wide service degradation. *See, e.g., Comments of Telecommunications For The Deaf, Inc. and Deaf and Hard of Hearing Consumer Advocacy Network (“TDI”); Comments of Communication Service for the Deaf, Inc. (“CSD”).*

Hamilton Relay, Inc., and Sprint Corporation also agree that deviation from the traditional VRS rate methodology is appropriate at this time. They suggest the FCC should establish a temporary VRS rate and modify that rate upon adoption of an answer speed requirement, and in Sprint’s view apply the modified rate retroactively. Hamilton and Sprint do not indicate what they believe the temporary VRS rate should be, whether that should be the \$5.924 rate NECA calculated, the \$7.061 alternative rate NECA suggests or some other alternative rate.

Adoption of the \$5.924 rate, even with the promise of retroactive adjustment when the FCC adopts mandatory service quality standards, will not prevent the damage to the public and consumers’ interest foreseen in Hands On’s, CSD’s and TDI’s comments. Immediately upon adoption of the \$5.924 rate, providers would have no alternative but to lay-off interpreters; defer technical improvements and take other measures to reduce costs. Providers would do this because they would have no certainty that the rate would ever be increased pursuant to an order requiring minimum service levels, nor even if they expected

such an order, would they have any assurance of the timing thereof. The only certainty they would have would be the assurance that the rate would substantially decrease July 1, 2005, and they would as a result need to degrade service levels to break even following such a rate decrease. Accordingly, to prevent service degradation, it is imperative that the FCC use an alternative calculation methodology in calculating the initial rate for VRS to be effective July 1, 2005 to avoid degraded service. Subsequent to that time when the FCC adopts an answer speed criterion Hands On agrees that the FCC should obtain additional cost data from providers and make any rate adjustments then necessary.

Hands On reiterates its view that improving the speed of answer of VRS calls is critical to functional equivalent telecommunications service for deaf, hard of hearing and speech disabled persons. Just last week each Commissioner recognized the safety of life and property mission of the telecommunications system. *See Statements of Chairman Kevin J. Martin, Commission Kathleen Q Abernathy; Michael J. Copps & Jonathan S. Adelstein on action in Dockets WC 04-36 & 05-196* (May 19, 2005). The Commission in that action mandated interconnected Voice over Internet Protocol ("VoIP") providers to implement E911 service within 120 days after the effective date of that action. Given that action, there can be no question but that VRS providers should be under a

similar mandate to implement E911 service. If VoIP providers can implement E911, VRS providers can do so as well. That mandate would be illusory, however, if VRS users must wait several minutes just to get a video interpreter on the line.

Hands On therefore reiterates its view that the rate adopted for VRS for 2005-06 must not further degrade service levels and should instead be structured to encourage improved service.

AT&T in its comments suggests that NECA has overstated the TRS Fund's requirements, including the VRS requirements. AT&T's calculation methodology of averaging monthly minute increases over the course of a year is not a valid means of estimating VRS usage. Month to month VRS traffic has increased by a progressively higher amount now for three years. For example from January 2003 to January 2004 traffic increased an average of 29,119 minutes a month. However, from January 2004 to January 2005 traffic increased an average of 96,398 a month and in the six months between March 2005 and September 2004 the average monthly increase was 110,376. This indicates that the increase in the number of minutes from month to month continues itself to increase, rather than being static as AT&T's methodology

contemplates. Therefore it was a more reasonable approach for NECA to look at recent monthly traffic figures.<sup>2</sup>

Finally, we note that whatever the utility of Hamilton's MARS approach for determining IP Relay or Interstate TRS rates, it has no utility for determining VRS rates since VRS is solely paid for from the Interstate TRS Fund.

Respectfully submitted,

**HANDS ON VIDEO RELAY SERVICES,  
INC.**

By \_\_\_\_\_ /s/

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<sup>2</sup>Hands On takes no position on the validity of AT&T's methodology as it pertains to IP Relay.